

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b> 26-03
<b>Date:</b> June 27, 2003
<b>Key Word:</b> WIA

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Staff  
Local Workforce Development Board TPCS Contacts  
LWDA Coordinators  
Commission Local Offices

**From:** Luis M. Macias, Director, Workforce Development Division

**Subject:** Workforce Investment Act Eligible Training Provider System: Ensuring Compliance with Proprietary Schools Rules

---

### PURPOSE:

To provide Local Workforce Development Boards (Boards) with procedures to ensure that Workforce Investment Act (WIA) training provider applicants comply with requirements of Texas Workforce Commission (Commission) Proprietary Schools rules.

### REFERENCE:

Workforce Investment Act; Sections 122 and 134(d)(4)  
Workforce Investment Act; Final Rule Part 663, Subpart E  
Texas Education Code, Chapter 132  
Texas Workforce Commission Workforce Investment Act Rules: 40 TAC §841.40(c) and §841.43(c)  
Texas Workforce Commission Proprietary Schools Rules: 40 TAC §807.2  
WD Letter 02-03, Change 1, issued April 9, 2003, and entitled “Workforce Investment Act Eligible Training Provider System: Initial and Subsequent Eligibility Application Process and Performance Reports Requirements”

### FLEXIBILITY RATINGS:

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and State laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. Federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

### **BACKGROUND:**

Effective November 12, 2001, the Commission adopted amendments to Commission rule §841.40(c) and §841.43(c), which state that “Training provider applicants shall be in compliance with applicable State law, including Texas Education Code, Chapter 132, related to Proprietary Schools.”

The following definitions contained in Commission rule §807.2 are provided to define terms used in this WD Letter:

- **Course of instruction:** A program or seminar;
- **Program:** A sequence of approved subjects offered by a school that teaches skills and fundamental knowledge required for employment in the stated occupation; and
- **Seminar:** A course of instruction that enhances a student’s career, as opposed to a program that teaches skills and fundamental knowledge required for a stated occupation. A seminar may include a workshop, an introduction to an occupation or cluster of occupations, a short course that teaches part of the skills and knowledge for a particular occupation, language training, continuing professional education, and review for postsecondary examination.

### **PROCEDURES:**

Boards must ensure that Proprietary Schools training provider applicants meet the criteria detailed below before approving the Training Provider Certification System (TPCS) application and submitting it for WIA certification.

**NLF**

### **TPCS Applications**

When reviewing TPCS applications, Boards must:

**NLF**

- Request a copy of the Certificate of Approval and the List of Approved Courses (LACI) from the provider, or request a copy of the applicant's exemption letter issued by the Commission's Proprietary Schools Unit (Proprietary Schools Unit).
- Ensure that the name and "clock-hour" length listed on LACI matches what appears on the TPCS application. If there are any discrepancies, Boards must not approve the application until corrections are obtained from the training provider. If the provider cannot resolve the discrepancy, Boards must contact the Proprietary Schools Unit staff to obtain the correct and/or current information.
- Ensure the course costs listed on LACI match what appears on the TPCS application. If not, Boards must contact the training provider to verify if the Proprietary Schools Unit has been notified of any cost changes. (Board approval need not be delayed while cost changes are pending.)

Boards may address questions regarding training provider applications to the Proprietary Schools Unit at (512) 936-3100.

**LF**

### **Application Exceptions**

Boards must be aware of the following exceptions to the TPCS application process and procedures.

**NLF**

#### **A. Individual Subjects**

Boards must ensure that training providers offering "individual subjects" meet the following criteria:

- Individual subjects are offered in the training provider's catalog;
- The individual subject is part of an approved program that appears on the training provider's LACI and is offered in the training provider's catalog exactly as approved;
- The individual subject's cost or clock-hour cost is listed in the catalog;
- The contact hours for the individual subject indicated on the TPCS application are identical to those listed in the catalog; and
- The individual subject's listing on the TPCS application is identical to the listing in the catalog.

When the above-listed requirements have been met, the Board must place the following note in the “Pending Notes” section of the automated TPCS application prior to submission for review and WIA certification:

“This individual subject is part of (*name of approved program*), which appears on the provider’s LACI, and has been verified in the provider’s catalog.”

## **B. Seminars**

A provider’s LACI can identify seminar courses by generic category (i.e., Word Processing, Spreadsheets, Databases) rather than specific seminar name (i.e., Beginning Word, Advanced Excel, Intermediate Access). If a specific seminar course is not listed in the training provider’s catalog, Boards must contact the Proprietary Schools Unit to verify that the specific seminar course is approved.

## **C. Creation of New Programs**

Boards must ensure that a school does not use individual subjects from one or more approved programs to create a new program.

Boards may address questions regarding Application Exceptions to the Proprietary Schools Unit at (512) 936-3100.

**LF**

### **ACTIONS REQUIRED:**

Boards must ensure that appropriate staff are apprised of and comply with the requirements in this WD Letter.

### **INQUIRIES:**

Direct inquiries to Walter Barrett at (512) 936-3319 or [wbarrett@twc.state.tx.us](mailto:wbarrett@twc.state.tx.us), or to the TPCS Help Desk at:

- [tpcs.helpdesk@twc.state.tx.us](mailto:tpcs.helpdesk@twc.state.tx.us)
- (866) 256-6333 (Toll Free)
- (512) 936-0669 (Austin)

Rescissions: None	Expiration: Continuing
-------------------	------------------------